

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY**

<hr/> MAXIMO CASTRO,	:	
	:	Civil No. 18-11833 (FLW)
Petitioner,	:	
	:	
v.	:	<b>MEMORANDUM AND ORDER</b>
	:	
UNITED STATES OF AMERICA,	:	
	:	
Respondent.	:	
<hr/>	:	

Petitioner *pro se*, Maximo Castro (“Petitioner”), a federal prisoner presently incarcerated at United States Penitentiary Canaan, in Waymart, Pennsylvania, filed a motion to vacate, set aside, or correct a sentence, pursuant to 28 U.S.C. § 2255. (*See* ECF No. 1.) As the Motion lacked a notice under *United States v. Miller*, 197 F.3d 644 (3d Cir. 1999), the Court provided this notice and directed Petitioner, within 45 days, to submit an amended, all-inclusive § 2255 Motion or to notify the Court that he desired to proceed on his original Motion as filed. (ECF No. 4.) Petitioner has now notified the Court that he wishes to proceed upon his original Motion. (ECF No. 5.) He has additionally submitted, however, a Supplemental Brief in support of his motion, which also raises an argument that I should recuse myself from hearing this proceeding. (*See id.*) Upon screening the Motion, the Court has determined that dismissal of the Motion without an Answer and the record is not warranted. *See* Rule 4 of Rules Governing § 2255 Proceedings, 28 U.S.C.A. foll. § 2255.

Accordingly, IT IS, on this 15<sup>th</sup> day of April 2019,

ORDERED that Respondent shall file a full and complete Answer to the Motion and the Supplemental Brief within forty-five (45) days of the entry of this Order; and it is further

ORDERED that Respondent shall raise by way of its Answer any appropriate defenses that it wishes the Court to consider, including, with respect to the asserted defenses, relevant legal arguments with citations to appropriate legal authority; and it is further

ORDERED that Respondent may also raise in its Answer any response to Petitioner's request for recusal; and it is further

ORDERED that the Answer shall be accompanied by certified copies of all notices, opinions, documents, transcripts, or recordings of any proceedings, including all documentation that may be material to the questions raised in the Motion; in lieu of providing certified copies, however, the Government may cite to the criminal docket by referencing the ECF docket entry number and the page; and it is further

ORDERED that Petitioner may file and serve a Reply in support of the Motion within forty-five (45) days after the Answer is filed; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this Order on petitioner by regular U.S. mail.

s/Freda L. Wolfson  
FREDA L. WOLFSON  
United States District Judge